

Judge Pauley

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

516

UNITED STATES OF AMERICA : INFORMATION

- v. - : 08 Cr.

SHINIKWAH BURKE, :

Defendant. :

- - - - -x

USDC SDNY
DOCUMENT
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COUNT ONE

The United States Attorney charges:

1. In or about July 2003, in the Southern District of New York and elsewhere, SHINIKWAH BURKE, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, SHINIKWAH BURKE, the defendant, and others known and unknown, agreed to commit robberies of individuals believed to be in possession of narcotics and/or narcotics proceeds.

Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and

elsewhere:

a. In or about late July 2003, in the vicinity of Wilder Avenue and Strang Avenue, Bronx, New York, SHINIKWAH BURKE, the defendant, and others known and unknown, attempted to commit a robbery of a person they believed was in possession of narcotics.

b. In or about late July 2003, in the vicinity of East 241st Street and Cranford Avenue, Bronx, New York, SHINIKWAH BURKE, the defendant, and others known and unknown, attempted to commit a robbery of a person they believed was in possession of narcotics.

c. In or about late July 2003, in the vicinity of Edgecomb Avenue and Broadway, Bronx, New York, SHINIKWAH BURKE, the defendant, and others known and unknown, robbed a person of narcotics and narcotics proceeds.

(Title 18, United States Code, Section 1951.)

FORFEITURE ALLEGATION

3. As a result of committing the Hobbs Act robbery offense alleged in Count One of this Information, SHINIKWAH BURKE, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property constituting or derived from any proceeds BURKE obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any

manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information, including a sum of money representing the amount of proceeds obtained as a result of the offense alleged in Count One of this Information.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and Title 28, United States Code, Section 2461.)


MICHAEL J. GARCIA *MR*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(18 U.S.C. § 1951.)

MICHAEL J. GARCIA
United States Attorney.
